

Message Text

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72

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INFO AMEMBASSY BERLIN

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E.O. 11652: N/A

TAGS: PFOR, FR, GW, UR, US, UK, WB

SUBJ: SOVIET ORAL STATEMENT ON EXTENSION TO
WEST BERLIN OF INTERNATIONAL COVENANT ON
CIVIL AND POLITICAL RIGHTS

REF: A. MOSCOW 4862; B. MOSCOW 871

1. DEPUTY CHIEF OF MFA USA DIVISION CALLED IN DCM
JUNE 11 TO PRESENT ORAL STATEMENT TAKING ISSUE WITH ALLIED
APRIL 3 RESPONSE TO SOVIET JANUARY 18 DEMARCHE
PROTESTING APPLICATION BY FRG IN BERLIN OF INTERNATIONAL
COVENANT ON CIVIL AND POLITICAL RIGHTS. FOLLOWING
READING OF ORAL STATEMENT, DCM RESPONDED THAT, AS WE
NOTED IN APRIL, EXTENSION OF COVENANT IS IN ACCORDANCE
WITH LONG-ESTABLISHED PROCEDURES AND WITH QUADRIPARTITE
AGREEMENT. MIKHAYLOV SEEMED INTENT ON CONVEYING
IMPRESSION THAT SOVIET DEMARCHE WAS A PRO FROMA ONE,
AND HE QUICKLY MOVED ON TO OTHER SUBJECTS. FRENCH
AMBASSADOR AND BRITISH DCM HAVE ALSO BEEN SUMMONED BY
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MFA, PRESUMABLY ON SAME SUBJECT. EMBASSY TRANSLATION

OF ORAL STATEMENT FOLLOWS (ORIGINAL BEING POUCHED
DEPARTMENT WITH COPY OF EMBASSY BONN).

2. BEGIN TEXT: IN CONNECTION WITH THE STATEMENT OF
APRIL 3, 1974, OF THE EMBASSY OF THE USA ON THE QUESTION
OF THE EXTENSION BY THE FRG OF THE APPLICABILITY OF THE
UN INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
TO WEST BERLIN, THE SOVIET SIDE WOULD LIKE TO CALL
ATTENTION TO THE FOLLOWING:

IN THE EMBASSY'S STATEMENT REFERRED TO ABOVE, THE
FACT IS NOT CONTESTED THAT THE UN INTERNATIONAL COVENANT
ON CIVIL AND POLITICAL RIGHTS, BY THE NATURE OF
ITS CONTENT, BELONGS TO THAT CATEGORY OF INTERNATIONAL
ACTS WHICH DIRECTLY AFFECT QUESTIONS OF SECURITY AND
STATUS. IN ACCORDANCE WITH THE QUADRIPARTITE AGREEMENT
OF SEPTEMBER 3, 1971 (APPENDIX IV, PARAGRAPH 2(B)), THE
FRG MAY NOT EXTEND THE APPLICABILITY OF SUCH AGREEMENT
TO INCLUDE THE WESTERN SECTORS OF BERLIN.

THE REFERENCE MADE BY THE AMERICAN SIDE TO THE
FACT THAT THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL
RIGHTS WAS EXTENDED TO INCLUDE THE WESTERN SECTORS OF
BERLIN IN ACCORDANCE WITH ESTABLISHED PROCEDURES DOES NOT
CHANGE THE SUBSTANCE OF THE MATTER. IT IS ENTIRELY
CLEAR THAT ESTABLISHED PROCEDURES MAY BE USED TO
EXTEND INTERNATIONAL AGREEMENTS TO INCLUDE THE
WESTERN SECTORS OF BERLIN ONLY IN THOSE INSTANCES WHEN
SUCH AN EXTENSION IS PERMITTED BY THE QUADRIPARTITE
AGREEMENT OF SEPTEMBER 3, 1971.

THE SOVIET SIDE THEREFORE CONSIDERS IT NECESSARY TO
REAFFIRM ITS VIEW ON THE ILLEGALITY OF THE EXTENSION BY THE
FRG OF THE APPLICABILITY OF THE INTERNATIONAL COVENANT
ON CIVIL AND POLITICAL RIGHTS TO WEST BERLIN, AS SET
FORTH IN ITS STATEMENT OF JANUARY 18, 1974.

THE POSITION OF THE USSR ON THIS QUESTION WILL BE
BROUGHT TO THE ATTENTION OF ALL PARTICIPANTS IN THE UN
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS,
AND ALSO OF ALL STATES WHICH SIGNED THAT PACT. END TEXT.

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